

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 BENJAMIN W. ESPINOSA,

4 Plaintiff

Case No. 3:17-cv-00669-RCJ-WGC

ORDER

5 v.

6 JAMES DZURENDA et al.,

7 Defendants
8

9 **I. DISCUSSION**

10 Benjamin W. Espinosa ("Plaintiff"), a pro se prisoner, previously filed an application
11 to proceed *in forma pauperis* and submitted a civil rights complaint under 42 U.S.C. §
12 1983. (ECF No. 1, 1-1.) On November 6, 2018, after screening the complaint as required
13 by the Prisoner Litigation Reform Act, the Court dismissed the complaint, with leave to
14 amend.

15 Plaintiff now files a motion for voluntary dismissal. (ECF No. 5.) Under Federal
16 Rule of Civil Procedure 41(a)(1), a plaintiff may dismiss an action without a court order by
17 filing "a notice of dismissal before the opposing party serves either an answer or a motion
18 for summary judgment." Fed. R. Civ. P. 41(a)(1)(A)(i). The Court grants Plaintiff's motion
19 to voluntarily dismiss this action because no responsive pleading has been filed in this
20 case. As such, the Court dismisses this action without prejudice.

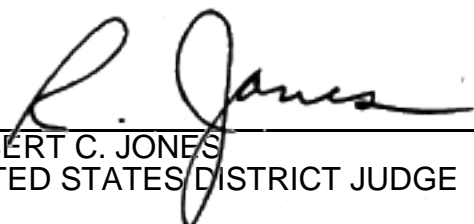
21 **II. CONCLUSION**

22 For the foregoing reasons, it is ordered that the motion for voluntary dismissal
23 (ECF No. 5) is granted.

24 It is further ordered that this action is dismissed in its entirety without prejudice.

25 It is further ordered that the Clerk of the Court will enter judgment accordingly.

26 Dated this 14th day of January, 2019.

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28 
ROBERT C. JONES
UNITED STATES DISTRICT JUDGE